



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Timothy Baugh et al. Group Art Unit: 3634

Application No.: 10/796,969 Examiner: Not yet assigned

Filed: March 11, 2004

Title: INTEGRATED STORM SHUTTER

**PETITION UNDER 37 C.F.R. §1.47**

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

Applicants respectfully petition, pursuant to 37 C.F.R. § 1.47, to accept the present application as being filed on behalf of the non-signing inventors.

***OATH OR DECLARATION BY ALL AVAILABLE INVENTORS***

Applicants submit herewith a copy of the Notice to File Missing Parts, mailed June 1, 2004, along with a declaration executed by all available inventors who were willing to sign.

***IDENTIFICATION OF NON-SIGNING INVENTORS & LAST KNOWN ADDRESSES***

Douglas Oakey is a named inventor, and has refused to join the present application, both by express statement to Southern Extrusions, Inc, ("Southern Extrusions") the owner of all rights title and interest in the present application, and by making his whereabouts unknown to any of Southern Extrusions, the undersigned counsel, and the available inventors who were willing to

10/04/2004 SSITHIB1 00000143 500709 10796969  
02 FC:1460 130.00 DA

sign the Declaration attached herewith. Douglas Oakey's last known address information is as follows:

Douglas Oakey  
3371 Crestview Lane  
Gulf Breeze, FL 32563

805-934-8446

***PROOF OF UNAVAILABILITY OR REFUSAL***

Applicants submit herewith the Declaration of Laurence E. Stein, with Exhibits, in support of this petition. It is respectfully submitted that the Declaration of Laurence E. Stein and Exhibits attached thereto establish: (i) a copy of the attached application and declaration signed by all joint inventors other than Douglas Oakey was sent to his last known address; (ii) Douglas Oakey was requested to join in the application by executing the declaration; and (iii) the conduct of Douglas Oakey constitutes a refusal to join in the application.

***RELIEF REQUESTED & CONCLUSION***

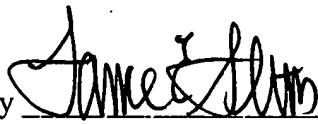
In light of the above, Applicants request that the present application be accepted as complete. To the extent that it is determined that relief is inappropriate pursuant to 37 C.F.R. § 1.47, Applicants hereby request that this petition be considered under to 37 C.F.R. § 1.181 and/or § 1.183.

Please charge the petition fee of \$130.00, pursuant to 37 C.F.R. § 1.17(h), to the undersigned's Deposit Account No. 50-0709.

A Request for Two-Month Extension of Time, extending the due date for responding to the Notice of Missing Parts from August 1, 2004 to and including October 1, 2004, is submitted herewith.

Should this petition be considered insufficient, or the relief requested not be granted for any reason, Applicants respectfully request that this be considered a *bona fide* attempt to respond to the Notice to File Missing Parts of June 1, 2004, and that Applicants be permitted an opportunity to supplement this response.

Respectfully submitted,

By   
Laurence E. Stein  
Attorney for Applicant  
Registration No. 35,371

Date October 1, 2004  
PATTON BOGGS LLP  
Customer Number: 41434  
Telephone: (202) 457-6491  
Facsimile: (202) 457-6315

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of:

Timothy Baugn et al. Group Art Unit: 3634

Application No.: 10/796,969 Examiner: Not yet assigned

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Title: INTEGRATED STORM SHUTTER

**DECLARATION OF FACTS IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.47**

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

My name is Laurence E. Stein. I am an attorney of record in the above-identified patent application.

On February 10, 2004 I forwarded a copy of U.S. Patent Application Serial No. 10/796,969, as filed, along with an unexecuted declaration and power of attorney, and cover letter (attached as Exhibit No. 1) to the last known address of Douglas Oakey via Registered Mail/Return Receipt Requested.

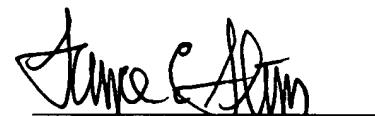
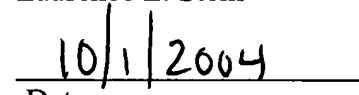
In the aforementioned Exhibit No. 1 cover letter, Douglas Oakey was requested to execute the declaration and power of attorney and return it to the undersigned for filing in the United States Patent and Trademark Office.

On October 1, 2004, the United States Post Office returned the package enclosed with the Exhibit No. 1 cover letter, with an affixed official Post Office label of "Return to Sender – Moved Left No Address." See Exhibit No. 2.

On or about September 15, 2004, I telephoned the last known phone number of Douglas Oakey, which was 805-934-8446, and was told by the answering party that Douglas Oakey was not the person associated with that phone number, and that the answering party had no knowledge of the whereabouts of Douglas Oakey.

On September 22, 2004, I e-mailed an unexecuted declaration and power of attorney, with a copy of the present application, to the last known e-mail address of Douglas Oakey, and the e-mail was returned as "Undeliverable ... MAILBOX NOT FOUND." See Exhibit No. 3.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

  
\_\_\_\_\_  
Laurence E. Stein  
  
\_\_\_\_\_  
Date



2550 M Street, NW  
Washington, DC 20037-1350  
202-457-6000

Facsimile 202-457-6315  
[www.pattonboggs.com](http://www.pattonboggs.com)

**REGISTERED MAIL/**  
**RETURN RECEIPT REQUESTED**

September 9, 2004

Laurence E. Stein  
(202) 457-6491  
[lstein@pattonboggs.com](mailto:lstein@pattonboggs.com)

Mr. Douglas Oakey  
3371 Crestview Lane  
Gulf Breeze, Florida 32563

**RE: INTEGRATED STORM SHUTTER**  
**Application Number 10/796,969**  
**Attorney Docket No. 21200.0101PTUS**

Dear Doug:

I enclose a copy of the official filing receipt in the above-identified patent application. I also enclose a copy of the application as filed.

The receipt confirms that the application was filed in the Patent and Trademark Office on March 11, 2004 and has been assigned Serial No. 10/769,969 in Group Art Unit 3634 for examination purposes.

Also enclosed is a Declaration and Power of Attorney for execution by you and the other inventors. Please return the executed Declaration for filing in the Patent and Trademark Office as soon as possible.

Please call me if you have any questions.

Very truly yours,

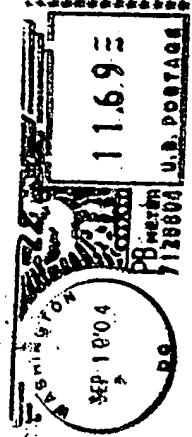
A handwritten signature in black ink, appearing to read "Laurence E. Stein".

Laurence E. Stein

LES/jmt

Enclosures

Laurence E. Stein  
Patton Boggs LLP  
2550 M Street, N.W.  
Washington, D.C. 20037-1350



**RETURN RECEIPT  
REQUESTED**

REMOVED, LEFT NO ADDRESS  
UNDELIVERABLE AS ADDRESSED  
UNATTEMPTED TO FORWARD  
UNCLAIMED NOT KNOWN  
NO SUCH STREET  
REFUSED  
INSUFFICIENT ADDRESS  
GONE



**BEST AVAILABLE COPY**



Label 200, July 1999  
(102595) 99-M-1904

RR 735 162 674 US  
(102595) 99-M-0952

**SENDER: COMPLETE THIS SECTION**

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)  B. Date of Delivery  
  
C. Signature  Agent  Addressee  
  
D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

1. Article Addressed to:

Mr. Douglas Oakey  
3371 Crestview Lane  
Gulf Breeze, FL 32563

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Copy from service label) **RR 735 162 674 US**  
PS Form 3811, July 1999  
Domestic Return Receipt

102595-00-M-0952

**Stein, Larry**

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**From:** System Administrator  
**To:** magnumoakey@aol.com  
**Sent:** Wednesday, September 22, 2004 1:43 PM  
**Subject:** Undeliverable:Returned mail: User unknown

Your message did not reach some or all of the intended recipients.

Subject: Declaration  
Sent: 9/22/2004 1:43 PM

The following recipient(s) could not be reached:

magnumoakey@aol.com on 9/22/2004 1:43 PM

The e-mail account does not exist at the organization this message was sent to. Check the e-mail address, or contact the recipient directly to find out the correct address.

< rly-yi02.mx.aol.com #5.1.1 SMTP; 550 MAILBOX NOT FOUND>

